

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

SAYBAH KEIHN (01)
JAMES PEABODY (03)

Case No. 4:23-CR-193-P

[Supersedes Information filed on July 5, 2023,
as to defendants Keihn (01) and Peabody (03),
only]

SUPERSEDING INDICTMENT

The Grand Jury Charges:

Background

1. Between on or about January 26, 2022, and continuing until on or about May 31, 2023, the defendants, **Saybah Keihn** and **James Peabody** by and through the entities Leelah African Store, Saybah's African Market, and Afro Mart, did knowingly and willfully combine, conspire, confederate, and agree with each other, and with others known and unknown to the grand jury, to engage in a scheme to obtain Supplemental Nutrition Assistance Program (SNAP) benefits by using stolen SNAP debit card account numbers at SNAP-approved point of sale (POS) locations in their three African stores in the Northern District of Texas.

The Supplemental Nutrition Assistance Program Information

2. SNAP, formerly and more commonly known as the Food Stamp Program, is a federal benefit program intended to assist low-income individuals and families purchase food. SNAP uses an electronic benefit transfer (EBT) card, which is used like a debit or credit card by swiping the card through a point-of-sale ("POS") device.

3. For a store to participate in SNAP, the store owner must apply to the United States Department of Agriculture (USDA) Food and Nutrition Service (“FNS,” the division of the USDA that administers the SNAP program). After FNS review, a contractor visits the store to document the food inventory. Stores that are approved by the USDA to participate are issued a SNAP authorization card and an FNS number.
4. To access the electronic funds from a beneficiary’s EBT card, FNS provides authorized stores with a POS device that debits the beneficiary’s EBT card for the cash value of the eligible items purchased. Stores are then periodically reimbursed for the redemptions via an electronic funds transfer directly into their designated bank account.
5. When FNS grants authorization for a store to participate in the SNAP program, FNS informs the store that the SNAP-approved POS device is nontransferable and may only be used at the authorized store for authorized food purchases.
6. Whenever a store processes an EBT transaction, the authorized POS device generates EBT records. The EBT records show the store name, address, EBT card number used, beginning balance of the SNAP benefits, the amount of purchase, the ending balance of the SNAP benefits, and whether the purchase was made by swiping an EBT card or manually inputting the EBT card number. The USDA maintains these records.
7. Under federal law, SNAP recipients can exchange EBT card benefits only for eligible food items and only at stores authorized by the USDA to accept EBT cards.

8. Individuals and/or families meeting the income requirements to receive SNAP benefits are assigned a unique household identification number. The household receives a deposit to their EBT card account based on their income, family size, and other factors.

9. Information from a debit or credit card, including EBT cards, can be stolen through a process known as “skimming.” Skimming occurs when devices illegally installed on POS terminals capture data and/or record cardholders’ Personal Identification Numbers (PINs). Someone obtaining skimmed data can program the stolen data onto any card with a magnetic strip. The fake card can then be used as if it were the real card.

Defendants and Entities

Saybah’s African Market

10. **Saybah Keihn** was the sole registered agent, owner, and director of Saybah’s African Market. Saybah’s African Market was located at 2009 Pipeline Road East, Bedford, Texas.

11. On or about December 13, 2019, USDA’s Food and Nutrition Service (FNS) authorized Saybah’s African Market to participate in the SNAP program and to accept EBT cards. FNS records show **Saybah Keihn** as the authorized owner of Saybah’s African Market. The records also show that the store was approximately 1,000 square feet.

12. From on or about August 1, 2016, and continuing through at least November 4, 2022, **Saybah Keihn** maintained a Wells Fargo Bank business choice checking account (WF-3031). WF-3031 received the EBT payments for the SNAP benefits program for Saybah’s African Market. The account’s sole signatory was **Saybah Keihn**.

Leelah African Store

13. Margretta Jabbeh, a coconspirator not a defendant herein, was the owner of Leelah African Store located at 211 South Blue Mound Road, Suite 211, Blue Mound, Texas. Jabbeh listed the business as a retail store of approximately 800 square feet that sold African food. Margetta Jabbeh was one of two associated taxpayer names for Leelah African Store.
14. On or about July 18, 2022, FNS authorized Leelah African Store to participate in the SNAP program and to accept EBT cards. FNS records show Jabbeh as the authorized owner of the Leelah African Store.
15. From on or about May 18, 2022, and continuing through at least February 8, 2023, Jabbeh maintained a Wells Fargo Bank Initiate business checking account (WF-3240). WF-3240 received the EBT payments for the SNAP benefits program for Leelah African Store. The account's signatories were Margretta Jabbeh and another individual.
16. From on or about January 24, 2023, and continuing through at least March 15, 2023, Jabbeh maintained a JP Morgan Chase Bank, N.A. business account (JPMC-3035). JPMC-3035 received its first EBT payment for the SNAP benefits program for Leelah African Store on February 10, 2023, and continued to receive EBT payments through in or about May 2023. The account's sole signatory was Margretta Jabbeh.

Afro Mart

17. **Saybah Keihn** was the owner of Afro Mart, located at 8017 Glenview Drive, Suite F, North Richland Hills, Texas. **James Peabody** leased the property. The stated use for the business was African grocery store. The City of North Richland Hills issued the business permit to **Saybah Keihn** for Afro Mart on June 23, 2022.

18. On or about July 11, 2022, Afro Mart was authorized to participate in the SNAP program and to accept EBT cards. FNS records show **James Peabody**, not **Saybah Keihn**, as the authorized owner of Afro Mart. The store's email address listed on the FNS application belonged to yet another coconspirator. FNS records show that the store is approximately 360 square feet.

19. From on or about May 28, 2022, and continuing through at least November 2, 2022, **James Peabody** and another coconspirator maintained a business account at JP Morgan Chase Bank, N.A., (JPMC-3203). JPMC-3203 received the EBT payments for the SNAP benefits program for Afro Mart. The account's signatories were **James Peabody** and two other coconspirators.

20. All SNAP benefits EBT swipes from Leelah African Store, Saybah's African Market, and Afro Mart generated a transfer of funds that caused an interstate wire from the Northern District of Texas to pass through a data center maintained by Fiserv in Brookfield, Wisconsin.

Count One
Conspiracy to Commit Wire Fraud
(Violation of 18 U.S.C. § 1349)

21. The grand jury realleges the allegations set forth in paragraphs one through 20 of this indictment.

22. Between on or about January 26, 2022, and continuing until on or about May 31, 2023, in the Fort Worth Division of the Northern District of Texas and elsewhere, the defendants, **Saybah Keihn** and **James Peabody**, by and through the entities Leelah African Store, Saybah's African Market, and Afro Mart, did knowingly and willfully combine, conspire, confederate and agree with each other, and others known and unknown, to engage in a scheme to obtain Supplemental Nutrition Assistance Program (SNAP) benefits in violation of 18 U.S.C. § 1343, that is, the defendants conspired to knowingly devise and execute a scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, causing the transmission of interstate wire communications between Texas and Wisconsin through electronic benefit transfer (EBT) transactions using stolen SNAP debit card account numbers at point of sale (POS) locations in the Northern District of Texas.

The Object of the Conspiracy

23. The object of the conspiracy was for **Saybah Keihn, James Peabody**, (collectively known as "defendants"), and others known and unknown to the grand jury, by and through Leelah African Store, Saybah's African Market, and Afro Mart, (collectively known as "African Stores"), to obtain stolen SNAP debit card account numbers from coconspirators and then drain the account balances through EBTs by

conducting transactions at SNAP-approved POS devices located in the African Stores.

24. As a result of the conspiracy, the defendants and coconspirators fraudulently obtained over \$2.6 million in SNAP benefits using the stolen account numbers of over 3,000 SNAP beneficiaries located throughout the United States.

Manner and Means of the Conspiracy and the Scheme to Defraud

25. It was part of the conspiracy and scheme to defraud, and the manner and means by which the conspiracy and scheme to defraud were accomplished, that from on or about January 26, 2022, and continuing through on or about May 31, 2023, the defendants and coconspirators used fraudulently obtained SNAP EBT data at SNAP-approved POS terminals located in their African Stores. In so doing, the defendants falsely represented that actual SNAP beneficiaries were using their SNAP benefits to purchase approved grocery items. In fact, the beneficiaries were not present in the stores at the time of the transactions, no groceries were purchased, and the defendants conducted the transactions by swiping the fraudulently obtained benefit cards, one after the other, with no actual customer transactions.

The Scheme to Defraud

26. Together, the defendants and their coconspirators obtained bulk SNAP EBT data of more than 3,000 victims, who resided in California, Maryland, Texas, Oregon, Pennsylvania, Massachusetts, Maryland, Connecticut, and New York, among other states. The stolen EBT data would be programmed onto a new debit card, transferring the SNAP benefit balance for each victim to the fraudulent card.

The defendants and coconspirators swiped the newly programmed debit cards at the SNAP-authorized POS terminal in their African Stores.

27. In early 2022, **James Peabody** and other conspirators met for dinner to discuss the EBT fraud. The plan was to acquire skimmed EBT data, use POS terminals at African stores, pool the money in bank accounts, and open and close each African store after about three to four months of conducting fraudulent transactions.

28. Each of the fraudulent swipes at the African Stores' POS terminals caused interstate wire transactions from the Northern District of Texas to USDA through Wisconsin. In turn, the defendants caused additional interstate wires when USDA deposited EBT funds into the defendants' bank accounts located in the Northern District of Texas. The defendants would then make cash withdrawals of the SNAP funds from their accounts; transfer the funds to other bank accounts; transfer the funds to codefendants and coconspirators; and use the funds to make personal and/or business purchases. The purported purchases generating the EBTs were not authorized by the actual SNAP card holders and were not for purchases of groceries.

29. USDA EBT transaction data shows that from January 1, 2022, to May 31, 2023, the named African Stores shared victim debit cards/stolen account data. The EBT swipe history shows multiple instances in which the same victim's SNAP benefits were used at the three different African Stores owned and operated by the defendants and coconspirators. It also shows that EBT cards swiped at the named African Stores used victim information skimmed from the same batches, meaning that the swipes involved out-of-state victims whose accounts had been skimmed on a particular day or series of

days in another state, most of whom resided within a few miles of one another and shared a common purchase location in their particular state of residence.

EBT Swiping Patterns for the African Stores

30. During the initial periods of fraudulent EBT activity at each of the African Stores, a swipe of \$0.01 preceded a larger swipe that expended the remaining balance of a victim's SNAP benefits. These swipes enabled the defendants to check the current balance on an EBT card to determine how much was available to steal. The data on the swipes also show that the swipes were often in round, whole numbers and the swipes were usually within minutes one another.

Saybah's African Market

31. On or about June 14, 2022, at Saybah's African Market, **Saybah Keihn** and a known coconspirator discussed using EBT cards, after which **Saybah Keihn** left the store and the known coconspirator remained in the store swiping a series of EBT cards. In each instance, victims' SNAP benefits were swiped for nearly the total remaining EBT balance, though some of the swipes were made to check account balances. Between 6:29 pm and 8:49 pm, 13 swipes were made, including five penny swipes for balance checks, totaling approximately \$5,200 in SNAP benefits fraud. All victims were from California.

32. After the fraudulently obtained SNAP benefits funds were wired to **Saybah Keihn's** WF-3031 account, the funds were either withdrawn as cash by **Saybah Keihn**, transferred to other accounts controlled by **Saybah Keihn**, used for miscellaneous purchases, or sent to others, including another coconspirator.

Afro Mart

33. **Saybah Keihn, James Peabody**, and others established Afro Mart in June 2022.

James Peabody is listed on the lease as the lessee of the Afro Mart storefront. The business registration, however, listed **Saybah Keihn** as the owner of Afro Mart.

34. Based on USDA data, from Afro Mart's opening in July 2022, through November 2022, approximately 96 percent of the transactions occurred with SNAP benefits from victims located outside of the state of Texas. The transaction data also shows the initial swipes for pennies, with high-dollar EBT card swipes thereafter, draining the balance remaining of a victim's SNAP account.

35. For example, on August 4, 2022, consecutive EBT transactions at the Afro Mart POS terminal during a 20-minute period show ten swipes totaling over \$4,000 for victims from California and Connecticut, depleting each account to under \$10.

36. On or about September 7, 2022, **James Peabody** and a coconspirator withdrew \$42,000 from Afro Mart's JPMC-3203, the Afro Mart account that received the SNAP EBT direct deposit payments. Both went to the teller window where **James Peabody** obtained a cashier's check for the same amount made payable to the accompanying coconspirator, who then deposited the cashier's check into another of their joint bank accounts. The same day, **James Peabody** wrote a check to **Saybah Keihn** for \$30,000 from Afro Mart's JPMC-3203. **Saybah Keihn** endorsed the \$30,000 check and deposited it into WF-9932, a Well's Fargo savings account for which she was the sole signatory.

37. Though Afro Mart appeared permanently closed by at least November 3, 2022, from November 6, 2022, through November 8, 2022, Afro Mart had 36 EBT transactions for \$21,635.01 using victim SNAP benefits from California and Texas.

38. The fraudulently obtained SNAP benefits funds arrived via interstate wire to the JPMC-3203 account belonging to **James Peabody** and other coconspirators, not named here. Those funds were withdrawn, including in cash by **James Peabody** and used for miscellaneous purchases.

Leelah African Store

39. Leelah African Store opened in July 2022, approximately the same time that Afro Mart opened. Initially, Leelah African Store, run by Margretta Jabbeh, showed minimal EBT transactions occurring at its POS terminal. In November 2022, however, the number of EBT transactions and the amount of SNAP benefits money earned by Leelah African Store significantly increased from the previous month. That is, in October there were eight SNAP EBT swipes totaling \$854.54, but in November the number rose to 26 swipes totaling \$127,317.46.

40. According to data provided by the USDA, over 90 percent of Leelah African Store's total SNAP transactions occurred using SNAP benefits from victims located outside of the state of Texas.

41. On December 15, 2022, consecutive EBT transactions at the Leelah African Store POS terminal during a 20-minute period show four swipes totaling over \$2,000 for victims from Pennsylvania and Nevada, depleting each account to one cent or less.

42. Similarly, on January 5, 2023, **Saybah Keihn** received fraudulent EBT cards from a coconspirator. Thereafter she swiped a total of approximately \$3,500 of SNAP benefit funds at Saybah's African Market from three victims located in New York. A short time later, Jabbeh entered Saybah's African Market and then returned to Leelah African Store. Once there, Jabbeh made a series of four swipes totaling approximately \$4,700 at the POS terminal. The SNAP benefits accounts used for those swipes were part of the same batch of victims from the same store in New York as those that **Saybah Keihn** had just swiped at her market.

43. **James Peabody** assisted in delivering EBT cards to Jabbeh at Leelah African Store and collecting cash proceeds of the fraud from Jabbeh at Leelah African Store.

44. Once fraudulently obtained SNAP benefits funds were wired into WF-3240 belonging to Jabbeh and another person, and later into her JPMC-3035, the funds were either withdrawn by Jabbeh or the other person, transferred to other accounts controlled by Jabbeh and/or the joint account holder, used for personal and/or business purchases, or provided to **Saybah Keihn** and **James Peabody**.

All in violation of 18 U.S.C § 1349 (18 U.S.C. § 1343).

Count Two
Aggravated Identity Theft
(Violation of 18 U.S.C. §§ 1028A(a)(1) and 2)

45. The grand jury realleges the allegations set forth in paragraphs one through 44 of this indictment.

46. On or about January 5, 2023, in the Fort Worth Division of the Northern District of Texas, defendants, **Saybah Keihn** and **James Peabody**, along with others known and unknown to the grand jury, aiding and abetting each other, did knowingly possess, transfer, and use, without lawful authority, the means of identification of another person, that is, an EBT card containing the SNAP benefits funds and personal identification number (PIN) number of S.B., during and in relation to a felony enumerated in 18 U.S.C. § 1028A, that is, conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (18 U.S.C. § 1343), as described in Count 1, knowing that the means of identification belonged to another actual person.

All in violation of 18 U.S.C. §§ 1028A(a)(1) and 2.

Count Three
Aggravated Identity Theft
(Violation of 18 U.S.C. §§ 1028A(a)(1) and 2)

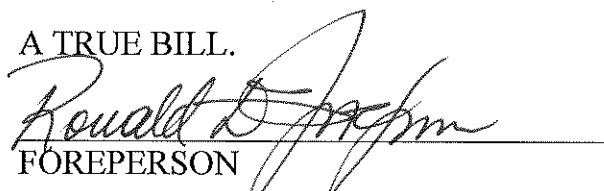
47. The grand jury realleges the allegations set forth in paragraphs one through 44 of this indictment.

48. On or about August 1, 2022, in the Northern District of Texas, defendants, **James Peabody** and **Saybah Keihn**, along with others known and unknown, aiding and abetting each other, did knowingly possess, transfer, and use, without lawful authority, the means of identification of another person, that is, an EBT card containing the SNAP benefits funds and personal identification number (PIN) number of I.D., during and in relation to a felony enumerated in 18 U.S.C. § 1028A, that is, conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (18 U.S.C. § 1343), as described in Count 1, knowing that the means of identification belonged to another actual person.

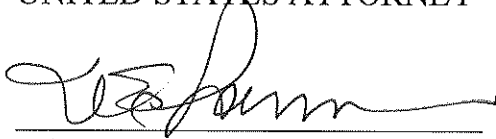
All in violation of 18 U.S.C. §§ 1028A(a)(1) and 2.

A TRUE BILL.

FOREPERSON

A handwritten signature in black ink, appearing to read "Ronald D. Johnson", written over a horizontal line.

LEIGHA SIMONTON
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Nancy E. Larson", written over a horizontal line.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THE UNITED STATES OF AMERICA

v.

SAYBAH KEIHN (01)
JAMES PEABODY (03)

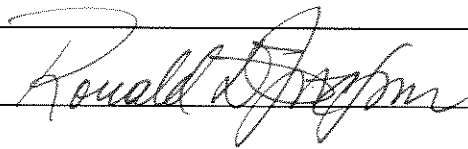
SUPERSEDING INDICTMENT

18 U.S.C. § 1349 (18 U.S.C. § 1343)
Conspiracy to Commit Wire Fraud
Count 1

18 U.S.C. §§ 1028A(a)(1) and 2
Aggravated Identity Theft
Counts 2-3

A true bill rendered

FORT WORTH

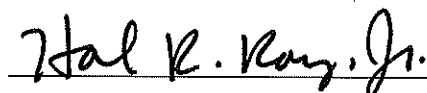


FOREPERSON

Filed in open court this 13th day of July, 2023.

Defendant Keihn in Federal Custody since May 15, 2023.

Defendant Peabody in Federal Custody since May 6, 2023.



UNITED STATES MAGISTRATE JUDGE

Magistrate Court Number: 4:23-MJ-361-BP